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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,248	07/31/2003	Jiten Chatterji	HES 2003-IP-011145U1	1599

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EXAMINER

FULLER, BRYAN A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

This action is in response to the applicant's amendment filed 9/07/2005. Claims 1 - 20 have been finally rejected.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 2, 4 – 11, and 13 – 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson, Sr. et al (6,302,209).

With respect to claims 1 – 2 and 10 - 11: Thompson, Sr. et al teaches in the abstract and in column 4, lines 42 – 67 a method of mixing a polymer precipitation and coagulation preventing surfactant with said aqueous saline fluid to form an aqueous saline fluid solution and introducing the treating fluid into a subterranean zone. The reference also teaches that the aqueous saline fluid can be brine.

With respect to claims 4 – 5 and 13 - 14: Thompson, Sr. et al teaches in column 10, lines 31 – 54 a polymer precipitation and coagulation preventing surfactant is selected from the group of C₁₆₋₁₈ alcohol ether sulfates substituted with from about two to about forty miles of ethylene oxide. The reference also teaches in column 4, lines 53 – 66 the use of a C₁₂₋₂₀ alpha-olefin sulfonate as the polymer precipitation and coagulation preventing surfactant.

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With respect to claims 6 and 15: Thompson, Sr. et al teaches in column 19, lines 12 – 27 a method of using a polymer precipitation and coagulation preventing surfactant in the amount from about 0.2% to about 1.5% by weight of water in said formation.

With respect to claims 7 and 16: Thompson, Sr. et al teaches in column 21, lines 40 – 62 the use of guar gum and cellulose derivatives as the polymer in the water-in-oil emulsion.

With respect to claims 8 and 17: Thompson, Sr. et al teaches in column 21, line 63 – column 22, line 14 the method where the polymer is present in the emulsion in the amount in the range from about 30% to about 45% by weight of the emulsion.

With respect to claims 9 and 18: Thompson, Sr. et al teaches in column 21, lines 12 – 23 the method where the polymer is present in the aqueous saline fluid in the amount in the range from about 5% to about 50% by weight thereof.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson, Sr. et al in view of Young et al (5,507,344).

With respect to claims 3 and 12: Thompson, Sr. et al teaches the features as claimed except for the use of seawater as the aqueous saline fluid. Young et al teaches

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in column 3, lines 60 – 67 the use of seawater as an aqueous saline fluid. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Thompson, Sr. et al's method by using seawater as the aqueous saline fluid in view of the teachings of Young et al. The motivation for this combination is that seawater may be more readily available than brine in certain situations (i.e. offshore well locations).

5. Claims 19 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson, Sr. et al in view of Chatterji et al (US 2002/0096090 A1).

With respect to claims 19 - 20: Thompson, Sr. et al teaches the features as claimed except for the use of a specific hydraulic cement material. Chatterji et al teaches in paragraph [0015] the use of Portland cement as a specific hydraulic cement material. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Thompson, Sr. et al's method by using Portland cement as a specific hydraulic cement material in view of the teachings of Chatterji et al. The primary reference teaches the composition used in this method can be used in a cement slurry carrier. The motivation for this combination is that Portland cement is a common hydraulic cement known by one of ordinary skill in the art.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Griffith et al (6,315,042) teaches a cement composition comprising an emulsion of oil-in-water with an emulsifying surfactant that is used in conjunction with an aqueous saline fluid.

Response to Arguments

7. Applicant's arguments filed 9/7/05 have been fully considered but they are not persuasive.

With respect to claims 1 and 10: Thompson, Sr. et al teaches in the abstract that solid surfactant suspension compositions are formed by combining solid surfactants with an organic base fluid, such as diesel. The reference also teaches in column 21, lines 44 – 47 that the organic fluid base, which is typically diesel, kerosene, or any other suitable refined oil. The abstract goes on to say that the solid surfactant suspension may be combined with an aqueous fluid. The reference teaches that the aqueous fluid can be brine, which is a salt water or saline fluid. Then the reference teaches that polymer particles can be combined with the aqueous fluid. Thus, the reference teaches the preparation or combination of a specific function surfactant and an aqueous saline fluid combined with an oil, or organic base fluid, which would create the water-in-oil emulsion. Then the water-in-oil emulsion polymer particles are combined with the aqueous fluid. It is inherent that this combination of components, taught in Thompson, has been prepared due to the fact that it is in operation.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan A. Fuller whose telephone number is (571) 272-8119. The examiner can normally be reached on M - Th 7:30 - 5:00 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian E. Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian E. Glessner
Supervisory Patent Examiner
Art Unit 3676

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